

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, APRIL 6, 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Emery; Council Members: Camp, Christensen, Cook, Eskridge, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier.

Council Chair Emery announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of March 30, 2015, reported having done so, found same correct.

Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of February 2015 to Joel Wittrock, Assistant City Treasurer, with the Finance Department. Joel was nominated by City Treasurer, Melinda Jones, in the categories of Customer Relations, Loss Prevention and Productivity. Mayor Beutler went on to say Joel worked on the data base for the Police Dept. Alarm Registration Program, and was able to take over from the company who's contract was not renewed due to citizen complaints. Joel did a detailed review of the data base and cleaned up information so the office was able to operate with accurate and current data.

Melinda Jones, City Treasurer, came forward and stated that Joel had initiated taking over billing from the vendor company to better assist in applying payments and providing better service to citizens. She said that Joel was very deserving of this award and was another example of excellence in staffing that the City of Lincoln has.

Steve Hubka, Finance Director, came forward and reiterated the positive comments about Joel. He also recognized the great work and input by Information Services, the Finance Department, the 911 Center, Lincoln Police Department and Lincoln Fire and Rescue. All were key in putting together a good system.

Joel Wittrock came forward and thanked the Mayor for the award, Melinda Jones for her nomination, and the other City Departments involved in updating this system. He thanked his coworkers in the Finance Department for their assistance and continued support.

**PUBLIC HEARING**

APPLICATION OF BREWSKY'S FOOD & SPIRITS HAYMARKET, INC. DBA BREWSKY'S FOOD & SPIRITS FOR THE ADDITION OF A CATERING LICENSE TO THEIR CLASS I LIQUOR LICENSE AT 201 NORTH 8TH STREET - Brian Kitten, 2410 Devonshire Dr., came forward to answer questions.

This matter will be taken under advisement.

APPLICATION OF FAT FERG'S BBQ BARN, LLC DBA FAT FERG'S BBQ BARN FOR A CLASS I LIQUOR LICENSE AT 736 WEST CORNHUSKER HIGHWAY; MANAGER APPLICATION OF JEFFREY S. VERGITH FOR FAT FERG'S BBQ BARN, LLC DBA FAT FERG'S BBQ BARN AT 736 WEST CORNHUSKER HIGHWAY - Jeffrey Vergith, 4910 NW 8<sup>th</sup> St., came forward to take the oath and answer questions. Discussion followed.

This matter will be taken under advisement.

BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 90 FEET AT 500 WEST SOUTH STREET, SUITE 8 ON APRIL 10, 2015 FROM 4:00 P.M. TO 11:59 P.M. - Brian Podwaski, 9322 S. 28<sup>th</sup> St., came forward to answer questions.

This matter will be taken under advisement.

APPROVING THE RENEWAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA TO PROVIDE, MAINTAIN, AND UPDATE ONLINE FOOD HANDLER TRAINING PROGRAM - Judy Halstead, Director of Lincoln/Lancaster County Health Dept., came forward and stated this agreement is a 2 year agreement.

This matter will be taken under advisement.

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ACCEPTING AND APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE COMPANY, INC TO LEASE ADDITIONAL SPACE AT THE CURRENT 27TH AND CORNHUSKER HIGHWAY WIC CLINIC AND EXTEND THE TERM OF THE LEASE AGREEMENT UNTIL OCTOBER 31, 2018 - Judy Halstead, Director of Lincoln/Lancaster County Health Dept., came forward and stated these are federal dollars that flow through Nebraska Health and Human Services and the increase of clients using this space has increased considerably. Nebraska Health and Human Services will be paying for the renovation cost and also for the cost of the City's additional space. Ms. Halstead said the owner of this space has not increased the City's rent on this lease for the last 8 years and is contributing about \$3,000 towards the tenant improvements. There will be no City or County funds used toward the expansion or the operation.

This matter will be taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN HAYMARKET DEVELOPMENT CORPORATION TO CONDUCT AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 2, 2015 THROUGH OCTOBER 10, 2015; Q STREET FROM 7TH TO CANOPY STREETS AND CANOPY STREET FROM P TO Q STREETS FROM MAY 2, 2015 THROUGH OCTOBER 10, 2015; AND ON 8TH STREET FROM P TO Q STREETS FROM MAY 2, 2015 THROUGH AUGUST 29, 2015 - Ron Cane, Urban Development, came forward to answer questions.

Linda Hubka, 3169 Puritan Ave., Haymarket Farmers Market Manager, came forward and invited Council to come down and join them for their 30<sup>th</sup> year.

This matter will be taken under advisement.

COMP. PLAN CONFORMANCE 15003 - DECLARING APPROXIMATELY 6,668 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND Y STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 15-47, 15-48, 15-49);

CHANGE OF ZONE 15006 - APPLICATION OF 1100 Y, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-8 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND Y STREET. (RELATED ITEMS: 15-47, 15-48, 15-49);

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND 1100 Y, LLC AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF NORTH 12TH STREET BETWEEN Y AND CHARLESTON STREETS. (RELATED ITEMS: 15-47, 15-48, 15-49) - David Landis, Urban Development Director, came forward and stated that this is about 6,600 sq ft. in the North Bottoms that the City uses about 7 times a year for football parking. He said they are selling the property for \$30,000. Discussion followed.

Jane Kinsey, Watchdogs of Lincoln, came forward and questioned if the property had been offered to other developers for purchase, if the correct evaluation was listed and if this will be for residential use.

Mr. Landis came forward and stated that the land was publicized for sale. In regards to the valuation of the property, he said this has been city owned land and has not been paying taxes but will be paying taxes once the sale is complete. This area will be identified as future parking for intended residences. Discussion followed.

This matter will be taken under advisement.

ANNEXATION 15003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 59.72 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND VAN DORN STREET. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66);-

CHANGE OF ZONE 15005 - APPLICATION OF FT DEVELOPMENT II, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-1 RESIDENTIAL, FROM AGR AGRICULTURAL RESIDENTIAL TO O-3 OFFICE PARK, AND FROM O-3 OFFICE PARK TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND VAN DORN STREET. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66);

USE PERMIT 15005 - APPLICATION OF FT DEVELOPMENT II, INC. FOR A USE PERMIT TO ALLOW AN OFFICE PARK HAVING APPROXIMATELY 225,000 SQ. FT. OF OFFICE FLOOR AREA THAT COULD ALTERNATELY BE DEVELOPED AS A 150-UNIT APARTMENT COMPLEX, WITH A WAIVER TO SETBACKS, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH AND VAN DORN STREETS. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66) (ACTION DATE: 4/13/15);

APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND FT DEVELOPMENT II, INC. REGARDING COST RESPONSIBILITIES FOR MUNICIPAL SERVICES ASSOCIATED WITH THE ANNEXATION, MAINTENANCE RESPONSIBILITIES, AND OTHER APPROPRIATE MATTERS RELATED TO THE DEVELOPMENT OF LAND WITHIN THE PREVIOUSLY APPROVED FIRETHORN CUP ON PROPERTY GENERALLY LOCATED AT VAN DORN STREET FROM 84TH STREET TO 91ST STREET. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66) (ACTION DATE: 4/13/15) -

Danay Kalkowski, appearing on behalf of Firethorn Development II, came forward and stated this area is the development of approximately 60 acres and is an area previously occupied by the 9 Hole Course. There is a new recreational facility proposed with some outdoor amenities and some reconfiguring of some of the golf holes. Along the west side of 91<sup>st</sup> Street, there will be the addition of 34 new town homes and 9 single family lots. The goals of the developer were to develop land use compatible with the existing office users and to put together a development that preserves the character of the existing uses while trying to be sensitive to the wetlands and natural drainage ways in the area. Multiple meetings were held with residents before any applications were submitted and they received no opposition to the project. Ms. Kalkowski wanted to thank the Planning Department and City staff for working through some issues resulting in some good compromises. Discussion followed.

Mark Weibel, representing Firethorn, came forward and stated the Championship 18 Course will stay in tact. At the end of the lease on the West 9 Course, they plan to create a Par 3 Golf Course which will be a great amenity to the recreational facility.

This matter will be taken under advisement.

AMENDING CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE TO REDESIGNATE THE "CITY AUDIT ADVISORY BOARD" AS THE "CITY PERFORMANCE AUDIT COMMITTEE" BY REVISING AND DELETING CURRENT DEFINITIONS; ESTABLISHING SAID COMMITTEE AND ITS MEMBERSHIP; PROVIDING FOR THE MEMBERS' TERM OF SERVICE AND CONDITIONS FOR REMOVAL FROM OFFICE; DEFINING THE DUTIES AND POWERS OF THE COMMITTEE; PROVIDING THAT THE COMMITTEE MEET REGULARLY ON AT LEAST A QUARTERLY BASIS; AND REPLACING REFERENCES TO 'BOARD' WITH 'COMMITTEE' - Jeff Kirkpatrick, City Attorney, came forward and stated this amendment will provide some significant changes. There will be a total term limit of 6 years. Term limits for Council Members would be 2 years and 3 years for Mayoral appointments. A requirement would be that at least 1 performance audit recommendation be made each year by August 31<sup>st</sup> of that year. Discussion followed.

Council Member Fellers stated that a distinct change would be the ability to hire a professional that can target what the committee is trying to accomplish rather than hiring an entire auditing team.

Jane Kinsey, Watchdogs of Lincoln, came forward and stated they are in support of this movement and hopes that a financial audit of TIF will be on the committees agenda. Ms. Kinsey also expressed concerns about the Mayoral appointments and Council Members who would be on the committee. She said it was important that the public be made aware of when this committee meets.

Ann Post, Lincoln Independent Business Association (LIBA), came forward and stated that they support this measure regarding the Performance Audit Committee. She said since 2007, the Board has only completed 4 audits in its 8 years of existence. A concern is the identification of a future funding source and LIBA would encourage this committee to specifically identify the scope of their audits to contain cost.

Barbara Arendt, former member of the current Audit Advisory Board, came forward and questioned the use of non-CPA professionals to perform contract audits. She also commented that Performance Audits can be very expensive.

Council Member Fellers stated there may be areas that a CPA's skill set may not fall under. An example would be if the audit involves streets or sidewalks a engineer or civil engineer might be hired who has specific skills in that area. Discussion followed.

Gerry Finnegan, 1936 Ryon St., current member of the Audit Advisory Committee came forward and stated that the Committee acts when directed by the City Council so any inactivity that may have been perceived isn't the Committee's fault. He said if this ordinance is passed, he would like to see some type of firewall to prevent problems occurring when outside interest groups might try to drive this body in a particular direction.

This matter will be taken under advisement

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND US LAWN'S FOR MOWING LINCOLN WATER SYSTEM PROPERTY IN ASHLAND, PURSUANT TO QUOTE NO. 5045, FOR A FOUR YEAR TERM - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88831 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract between the City of Lincoln and US Lawns for the annual requirements for mowing Lincoln Water System property in Ashland, pursuant to Quote No. 5045, for a four year term, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Trent Fellers

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

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APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND US LAWN'S FOR MOWING AT FIRE STATION 14, PURSUANT TO QUOTE NO. 5057, FOR A FOUR YEAR TERM - .  
CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88832 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the attached Contract between the City of Lincoln and US Lawns for the annual requirements for mowing at Fire Station 14, pursuant to Quote No. 5057, for a four year term, upon the terms as set forth in said Contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Trent Fellers

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

SETTING THE BOARD OF EQUALIZATION HEARING DATE OF MONDAY APRIL 27, 2015 AT 5:30 P.M. ON THE NORTH 27TH STREET MAINTENANCE IMPROVEMENT DISTRICT, THE UNIVERSITY PLACE MAINTENANCE IMPROVEMENT DISTRICT, THE SOUTH STREET MAINTENANCE IMPROVEMENT DISTRICT, THE HAVELOCK MAINTENANCE IMPROVEMENT DISTRICT AND THE COLLEGE VIEW MAINTENANCE IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88833 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That the City Clerk be and she is hereby instructed to give ten days notice by publication according to law that the City Council will, at a regular meeting to be held on the April 20, 2015, at 3:00 P.M., assess the improvements in the following special assessment districts:  
North 27th Street Maintenance Improvement District  
University Place Maintenance Improvement District  
South Street Maintenance Improvement District  
Havelock Maintenance Improvement District  
College View Maintenance Improvement District

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on Monday, April 27, 2015, at 5:30 p.m. with adjournments from day to day until said work of equalizing said assessments are completed.

Introduced by Leirion Gaylor Baird

Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE SECOND QUARTER, FISCAL YEAR 2014-2015 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88834 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:  
That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Leirion Gaylor Baird

Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY 28, 2015 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88835 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:  
That during the month ended February 28, 2015 \$84,098.66 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rate basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Leirion Gaylor Baird

Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

2014 CITY LAW DEPARTMENT ANNUAL REPORT, APRIL 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

CITY OF LINCOLN COMPREHENSIVE ANNUAL FINANCIAL REPORT FISCAL YEAR ENDED AUGUST 31, 2014 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

REPORT FROM THE CITY TREASURER OF THE MONTHLY CITY CASH REPORT FOR THE MONTH OF FEBRUARY 28, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON MARCH 23, 2015 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

### PETITIONS & COMMUNICATIONS

#### PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 15009 TO PRELIMINARY PLAT #01008, I-80 BUSINESS PARK, APPROVED BY THE ACTING PLANNING DIRECTOR ON MARCH 24, 2015, REQUESTED BY REGA ENGINEERING, TO REDUCE THE LANDSCAPE EASEMENT ALONG I-80 FROM 20 FEET TO 15 FEET AND REVISE THE LANDSCAPE PLAN, ON PROPERTY GENERALLY LOCATED AT NW 27TH STREET AND W. O STREET.

ADMINISTRATIVE AMENDMENT NO. 15015 TO SPECIAL PERMIT #1527A, PELICAN BAY CUP, APPROVED BY THE ACTING PLANNING DIRECTOR ON MARCH 25, 2015, REQUESTED BY RICHARD ROBINSON, TO REDUCE THE REAR YARD SETBACK FROM 30 FEET TO 20 FEET ON LOT 20, ON PROPERTY GENERALLY LOCATED AT PELICAN BAY PLACE AND N. LAKESHORE DRIVE.

SETTING THE HEARING DATE OF MONDAY, APRIL 20, 2015 FOR THE MANAGER APPLICATION OF DAVID HOTOVY FOR WADSWORTH OLD CHICAGO INC. DBA OLD CHICAGO LOCATED AT 2918 PINE LAKE RD., UNIT J - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88836 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 20, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Manager Application of David Hotovy for Wadsworth Old Chicago Inc. dba Old Chicago located at 2918 Pine Lake Rd., Unit J.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, APRIL 20, 2015 FOR THE APPLICATION OF NEBRASKA ENTERTAINMENT INC. DBA EAST PARK CINEMA FOR A CLASS I LIQUOR LICENSE LOCATED AT 220 N 66TH ST. - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-88837 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 20, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Application of Nebraska Entertainment Inc. dba East Park Cinema for a Class I Liquor License located at 220 N 66th St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, APRIL 20, 2015 FOR THE APPLICATION OF WBC ENTERPRISES LLC. DBA NIGHT OWL PUB LOCATED AT 3233 ½ S. 13TH ST. TO EXPAND THEIR OUTDOOR AREA FROM 20' X 32' TO 20' X 51' - CLERK read the following resolution, introduced by, Leirion Gaylor Baird, who moved its adoption:

A-88838 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 20, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE for the Application of WBC Enterprises LLC. dba Night Owl Pub located at 3233 ½ S. 13th St. to expand their outdoor area from 20' x 32' to 20' x 51'.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Camp and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

**LIQUOR RESOLUTIONS**

APPLICATION OF BREWSKY'S FOOD & SPIRITS HAYMARKET, INC. DBA BREWSKY'S FOOD & SPIRITS FOR THE ADDITION OF A CATERING LICENSE TO THEIR CLASS I LIQUOR LICENSE AT 201 NORTH 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88839 That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Brewsky's Food & Spirits Haymarket, Inc. dba Brewsky's Food & Spirits for the addition of a catering license to their existing Class I liquor license located at 201 North 8th Street, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

APPLICATION OF FAT FERG'S BBQ BARN, LLC DBA FAT FERG'S BBQ BARN FOR A CLASS I LIQUOR LICENSE AT 736 WEST CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88840 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Fat Ferg's BBQ Barn, LLC dba Fat Ferg's BBQ Barn for a Class "I" liquor license at 736 West Cornhusker Highway, Lincoln, Nebraska, for the license period ending April 30, 2015, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.  
The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

MANAGER APPLICATION OF JEFFREY S. VERGITH FOR FAT FERG'S BBQ BARN, LLC DBA FAT FERG'S BBQ BARN AT 736 WEST CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88841 WHEREAS, Fat Ferg's BBQ Barn, LLC dba Fat Ferg's BBQ Barn located at 736 West Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeffrey S. Vergith be named manager;

WHEREAS, Jeffrey S. Vergith appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jeffrey S. Vergith be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING FOR A SPECIAL DESIGNATED LICENSE TO COVER AN OUTDOOR AREA MEASURING APPROXIMATELY 70 FEET BY 90 FEET AT 500 WEST SOUTH STREET, SUITE 8 ON APRIL 10, 2015 FROM 4:00 P.M. TO 11:59 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-88842 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Blue Blood Brewing Company, Inc. dba Blue Blood Brewing for a special designated license to cover an outdoor area measuring approximately 70 feet by 90 feet at 500 West South Street, Suite 8, Lincoln, Nebraska, on April 10, 2015, between the hours of 4:00 p.m. and 11:59 p.m., be approved with the condition that the premises complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

### **PUBLIC HEARING - RESOLUTIONS**

APPROVING THE RENEWAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA TO PROVIDE, MAINTAIN, AND UPDATE ONLINE FOOD HANDLER TRAINING PROGRAM - CLERK read the following resolution, introduced by Trent Fellers, who moved its adoption:

A-88843 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and the Board of Regents of the University of Nebraska-Lincoln and its Department of Food Science and Technology to provide, maintain, and update online food handler training program for the Lincoln-Lancaster County Health Department, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to send a copy of this Resolution and one fully executed Agreement to Judy Halstead, Director of the Lincoln-Lancaster County Health Department, for transmittal to the University of Nebraska-Lincoln.

Introduced by Trent Fellers

Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.

### **ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

ACCEPTING AND APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND ENTERPRISE COMPANY, INC TO LEASE ADDITIONAL SPACE AT THE CURRENT 27<sup>TH</sup> AND CORNHUSKER HIGHWAY WIC CLINIC AND EXTEND THE TERM OF THE LEASE AGREEMENT UNTIL OCTOBER 31, 2018 - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving an Amendment to the Lease Agreement between the City of Lincoln, on behalf of the Lincoln-Lancaster County Health Department and Enterprise Company, Inc. to lease additional space at the current 27<sup>th</sup> and Cornhusker Highway WIC Clinic and extend the term of the lease agreement until October 31, 2018, the second time.

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN AND LINCOLN HAYMARKET DEVELOPMENT CORPORATION TO CONDUCT AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 2, 2015 THROUGH OCTOBER 10, 2015; Q STREET FROM 7TH TO CANOPY STREETS AND CANOPY STREET FROM P TO Q STREETS FROM MAY 2, 2015 THROUGH OCTOBER 10, 2015; AND ON 8TH STREET FROM P TO Q STREETS FROM MAY 2, 2015 THROUGH AUGUST 29, 2015 - CLERK read an ordinance, introduced by Trent Fellers, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets; P Street from 7th to 8th Streets; Q Street from 7th to Canopy Streets; and under the Canopy along Canopy Street from P to Q Streets; from May 2, 2015 through October 10, 2015, and on 8th Street from P to Q Street from May 2, 2015 through August 29, 2015, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

COMP. PLAN CONFORMANCE 15003 - DECLARING APPROXIMATELY 6,668 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND Y STREET AS SURPLUS PROPERTY. (RELATED ITEMS: 15-47, 15-48, 15-49) - CLERK read an ordinance, introduced by Trent Fellers, declaring approximately 6,668 square feet of City owned property generally located at North 12<sup>th</sup> Street and Y Street as surplus, the second time.

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CHANGE OF ZONE 15006 - APPLICATION OF 1100 Y, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-8 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 12TH STREET AND Y STREET. (RELATED ITEMS: 15-47, 15-48, 15-49) - CLERK read an ordinance, introduced by Trent Fellers, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND 1100 Y, LLC AUTHORIZING THE SALE OF CITY OWNED SURPLUS PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF NORTH 12TH STREET BETWEEN Y AND CHARLESTON STREETS. (RELATED ITEMS: 15-47, 15-48, 15-49) - CLERK read an ordinance, introduced by Trent Fellers, approving a Real Estate Sales Agreement between the City of Lincoln and 1100 Y, LLC authorizing the sale of City owned property generally located on the east side of North 12<sup>th</sup> Street between Y and Charleston Streets, Lincoln, Nebraska, the second time.

ANNEXATION 15003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 59.72 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND VAN DORN STREET. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66) - CLERK read an ordinance, introduced by Trent Fellers, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 15005 - APPLICATION OF FT DEVELOPMENT II, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-1 RESIDENTIAL, FROM AGR AGRICULTURAL RESIDENTIAL TO O-3 OFFICE PARK, AND FROM O-3 OFFICE PARK TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND VAN DORN STREET. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66) - CLERK read an ordinance, introduced by Trent Fellers, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 15005 - APPLICATION OF FT DEVELOPMENT II, INC. FOR A USE PERMIT TO ALLOW AN OFFICE PARK HAVING APPROXIMATELY 225,000 SQ. FT. OF OFFICE FLOOR AREA THAT COULD ALTERNATELY BE DEVELOPED AS A 150-UNIT APARTMENT COMPLEX, WITH A WAIVER TO SETBACKS, ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH AND VAN DORN STREETS. (RELATED ITEMS: 15-51, 15-52, 15R-65, 15R-66) (ACTION DATE: 4/13/15)

APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND FT DEVELOPMENT II, INC. REGARDING COST RESPONSIBILITIES FOR MUNICIPAL SERVICES ASSOCIATED WITH THE ANNEXATION, MAINTENANCE RESPONSIBILITIES, AND OTHER APPROPRIATE MATTERS RELATED TO THE DEVELOPMENT OF LAND WITHIN THE PREVIOUSLY APPROVED FIRETHORN CUP ON PROPERTY GENERALLY LOCATED AT VAN DORN STREET FROM 84TH STREET TO 91ST STREET. (ACTION DATE 4/13/15)

AMENDING CHAPTER 4.66 OF THE LINCOLN MUNICIPAL CODE TO REDESIGNATE THE "CITY AUDIT ADVISORY BOARD" AS THE "CITY PERFORMANCE AUDIT COMMITTEE" BY REVISING AND DELETING CURRENT DEFINITIONS; ESTABLISHING SAID COMMITTEE AND ITS MEMBERSHIP; PROVIDING FOR THE MEMBERS' TERM OF SERVICE AND CONDITIONS FOR REMOVAL FROM OFFICE; DEFINING THE DUTIES AND POWERS OF THE COMMITTEE; PROVIDING THAT THE COMMITTEE MEET REGULARLY ON AT LEAST A QUARTERLY BASIS; AND REPLACING REFERENCES TO 'BOARD' WITH 'COMMITTEE' - CLERK read an ordinance, introduced by Trent Fellers, amending Chapter 4.66 of the Lincoln Municipal Code to redesignate the "City Audit Advisory Board" as the "City Performance Audit Committee" by amending Section 4.66.020 to revise and delete current definitions; amending Section 4.66.030 to establish said Committee and its membership; adding a new section numbered 4.66.035 to provide for the members' term of service and conditions for removal from office; amending Section 4.66.040 to define the duties and powers of the Committee; amending Section 4.66.050 to provide that the Committee meet regularly on at least a quarterly basis; amending Section 4.66.070 to simplify conflict of interest language; amending Sections 4.66.060, 4.66.090, 4.66.100, 4.66.110, and 4.66.120 to replace references to 'Board' with 'Committee'; and repealing Sections 4.66.020, 4.66.030, 4.66.040, 4.66.050, 4.66.060, 4.66.070, 4.66.090, 4.66.100, 4.66.110, and 4.66.120 of the Lincoln Municipal Code as hitherto existing, the second time.



ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 2.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY COUNCIL BY AMENDING SECTION 2.04.010 TO REVISE, DELETE AND ADD TO THE RULES OF THE COUNCIL PERTAINING TO THE ORGANIZATION OF THE COUNCIL, THE DUTIES OF THE CHAIR OF THE COUNCIL, AND THE RULES OF COUNCIL DECORUM, DEBATE, AND PROCEDURE, TO SET FORTH AND CLARIFY THE CURRENT PRACTICES OF THE CITY COUNCIL; DELETING SECTION 2.04.020 RELATING TO PUBLIC HEARINGS IN ORDER TO REORGANIZE THE PROVISIONS OF SAID SECTION INTO NEW SECTIONS 2.04.025, MEETINGS, CLOSED SESSIONS, AND NEW SECTION 2.04.040, AUDIBLE DEVICES PROHIBITED; AND AMENDING SECTION 2.04.030 TO CLARIFY THE NUMBER OF VOTES REQUIRED FOR FINAL ACTION ON A BILL OR MOTION - CLERK read an ordinance, introduced by Carl Eskridge, amending Chapter 2.04 of the Lincoln Municipal Code relating to the City Council by amending Section 2.04.010 to revise, delete, and add to the Rules of the council pertaining to the Organization of the Council, the Duties of the Chair of the Council, and the Rules of Council Decorum, Debate, and Procedure, to set forth and clarify the current practices of the City Council; deleting Section 2.04.020 relating to Public Hearings in order to reorganize the provisions of said section into new sections 2.04.040, Audible Devices Prohibited, and 2.04.050, Meetings, Closed Sessions; and amending Section 2.04.030 to clarify the number of votes required for final action on a Bill or motion; and repealing Sections 2.04.010 and 2.04.030 of the Lincoln Municipal Code as hitherto existing, the third time - PRIOR to reading:

- COOK Moved Motion to Amend #1 to amend Bill 15-146 in the following manner:
1. On page 3, line 6, before the word "Chair" add the word "a".
  2. On page 3, lines 11 and 13, reinsert the word "the" (shown as stricken) into the text by removing the overstriking.
  3. On page 4, line 2, after the word "who", delete the word "shall" and add an "s" to the following word "receive".
  4. On page 4, line 6, after "elected Chair" add the phrase ", and may entertain a motion to reopen nominations".
  5. On page 4, line 12 delete the word "position" and insert in lieu thereof "office".
  6. On 4, line 22, delete the understricken phrase "for any reason".
  7. On page 5, line 1, following the phrase "office of", delete the word "the" and after the word "Vice-Chair" delete the phrase "for any reason".
  8. On page 7, line 11, add a comma after the first occurrence of the word "announce".
  9. On page 7, line 22, after the word "present" add the words "and voting".
  10. On page 8, line 4, after the period, create a new paragraph and insert "(k)".
  11. on page 8, line 5, add a comma after the word "agenda".
  12. On page 9, lines 1 and 2, delete the words "shall be" and insert in lieu thereof the word "is".
  13. On page 9, line 3, between the words "the" and "discussion", insert the phrase "Chair's participation in the".
  14. On page 9, lines 10 and 11, after the word "When", delete the phrase "a Bill advertised for action is reached on the agenda" and insert in lieu thereof "the time is reached on the agenda for action on a Bill".
  15. On page 9, lines 11 and 12, delete the last sentence of Rule 3-1.
  16. On page 9, line 22, after the word "put", delete the comma.
  17. On page 11, line 10, delete the word "removed" and insert in lieu thereof "taken".
  18. On page 12, line 11, add a comma after the word "motion" and strike the phrase "upon which final action has been taken".
  19. On page 12, line 14, between the words "reconsider and "action" insert the word "final" and after the word "Bill" insert the words "or liquor resolution".
  20. On page 23, delete lines 16 and 17 in their entirety and re-letter the following subsections accordingly.
  21. On page 12, line 21, before the word "future" insert the word "other".
  22. On page 12, line 23, after the word "reconsider" add the phrase "final action on a Bill".
  23. On page 14, line 12, following the overstricken language, add a new sentence to read as follows: "First reading of a Bill is for information only."
  24. On page 14, line 14, after the phrase "third reading" insert the following "before a vote may be taken".
  25. On page 15, line 4, delete the phrase "Bill or group of Bills" and insert in lieu thereof "agenda item or group of items".
  26. On page 15, line 5, between the words "to" and "time" insert the word "the".
  27. On page 15, lines 5 and 6, delete the phrase "a presentation in support of an application" and insert in lieu thereof "an initial presentation on an item".
  28. On page 15, line 6, delete the words "a Bill" and insert in lieu thereof "an item".
  29. On page 15, lines 6 and 7, delete the phrase "which shall be limited" and insert in lieu thereof the word "and" and delete the phrase "on the application" at the end of that same sentence.
  30. On page 15, line 7, following the period, insert the following new sentence: "The applicant on each Bill shall be determined by the Chair."

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31. On page 15, line 22, delete the word “shall”.
  32. On page 18, line 2, delete the word “action” and insert in lieu thereof the word “motion”.
  33. On page 18, line 9, delete the “s” in the word “items”.
  34. On page 18, line 11, delete the word “resolutions” and insert in lieu thereof “applications”.
  35. On page 18, lines 14 and 15, delete the phrase “failure of any such motion to receive four votes shall result in failure of the motion” and insert in lieu thereof “such motion shall require four votes or shall fail”.
  36. On page 18, line 15, delete the word “resolution” and insert in lieu thereof “application”.
  37. On page 18, line 16, delete the word “resolution” and insert in lieu thereof “application”.
  38. On page 18, line 17, delete the word “resolutions” and insert in lieu thereof “applications”.
  39. On page 19, line 13, after the word “If” delete the phrase “a Bill scheduled for a vote” and insert in lieu thereof the following “the main motion on a Bill”.
  40. On page 19, line 13, after the word “required” insert the word “four”.
  41. On page 19, line 19, after the word “requirement” insert “in this chapter” and following the period at the end of the line, insert the following new sentence: “A main motion on a Bill shall not require a second.”
- COOK Moved to amend Motion to Amend #1 in the following manner:  
On Item 30, replace the word “Bill” with the word “item”.  
Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.
- FINAL VOTE ON MOTION TO AMEND #1: AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None.  
The ordinance, being numbered **#20178**, is recorded in Ordinance Book 29.

**RESOLUTIONS - 1<sup>ST</sup> READING**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 16-31, 2015.

APPROVING A PROFESSIONAL SERVICE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE SOUTH 56TH STREET, SHADOW PINES TO OLD CHENEY ROAD PROJECT. CITY PROJECT NO. 701923. STATE PROJECT NO. LCLC-5241(5), CN 13141.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (COLLEGIATE HOUSING REDEVELOPMENT SUBPROJECT) BETWEEN THE CITY OF LINCOLN AND NE-UNL HOLDINGS, LLC RELATING TO THE REDEVELOPMENT OF PROPERTY ON PRIVATE PROPERTY GENERALLY LOCATED ON THE WEST HALF OF BLOCK 70, BOUNDED BY SOUTH 8TH AND SOUTH 9TH STREETS, M TO N STREETS, AND THE ADJACENT RIGHTS OF WAY IN DOWNTOWN LINCOLN. (RELATED ITEMS: 15R-69, 15R-70)

AMENDING THE FY 2014/15 CIP TO AUTHORIZE AND APPROPRIATE \$2,600,000.00 IN TIF FUNDS FOR THE COLLEGIATE HOUSING REDEVELOPMENT SUBPROJECT. (RELATED ITEMS: 15R-69, 15R-70)

**ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE**

**OPEN MICROPHONE - NONE**

**ADJOURNMENT**

**4:07 P.M.**

CAMP Moved to adjourn the City Council Meeting of April 6, 2015.  
Seconded by Fellers and carried by the following vote; AYES: Camp, Christensen, Cook, Emery, Eskridge, Fellers; Gaylor Baird; NAYS None.

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Teresa J. Meier

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Alexis Traylor

